

REMARKS

In the Office Action of October 4, 2004, the Examiner characterizes the pending claims as two distinct inventions:

Invention I (claims 93-159, 162-166): A method of making a composition, classified in class 556, subclass 400+, and

Invention II (claims 160-161, 167-169): A kit, classified in class 556, subclass 400+.

Applicant thanks the Examiner for the October 8, 2004 telephone conversation explaining the basis for the restriction requirement in light of the Ex Parte Quayle Office Action of May 20, 2003. The Examiner indicated on reconsideration of the claims, a restriction requirement was appropriate, and that the method claims were allowable.

Applicant respectfully disagrees with the Examining Attorney's characterization of the claims of the present application, and requests reconsideration and withdrawal of the pending election requirement in light of the following arguments. Pursuant to the requirements of 37 C.F.R. § 1.143, however, Applicant provisionally elects the claims of Invention 1 (claims 93-159, 162-166).

Applicant notes that the claims of Invention 1 and Invention 2, are closely related enough so as not to impose a serious burden on the Examiner in the context of prior art searching and substantive examination. Both inventions are classified within class 556, subclass 400+. Similar prior art would need to be compiled and analyzed for an evaluation of the patentability of the claims of both Invention 1 and Invention 2. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the Examiner's election requirement involving Invention 1 and Invention 2.

CONCLUSION

In view of the foregoing, this case is considered to be in condition for allowance and passage to issuance is respectfully requested. If there are any outstanding issues related to restriction, election or patentability, the courtesy of a telephone call is requested, and the Examiner is invited to call to arrange a mutually convenient time.

It is believed that no fees are required with this submission. If this is incorrect, please deduct the appropriate fee for this submission and any extension of time required from Deposit Account No. 07-1969.

Respectfully submitted,



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